



1633-1

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Rodney L. Tietz

Serial No.: 10/057,318

Filed: January 25, 2002

For: PLANTS AND SEEDS OF CORN
VARIETY I390185

Group Art Unit: 1638

Examiner: Mehta, A.

Atty. Dkt. No.: DEKA:287US

CERTIFICATE OF MAILING 37 C.F.R. 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below:

January 22, 2004


 Robert E. Hanson.

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This paper is submitted in response to the Notice of Non-Compliant Amendment dated January 14, 2004, a response to which is due February 14, 2004. No fees are believed to be due in connection with the instant paper, however, should such fees be due consider this paragraph a request and authorization to withdraw the appropriate fee under 37 C.F.R. §§ 1.16 to 1.21 from *Fulbright & Jaworski, L.L.P.* Account No. 50-1212/DEKA:287US.

The Notice states that the amendments made with the previous response filed September 30, 2003 were not in compliance with the revised requirements of 37 CFR §1.121. In

response, Applicants note that the amendments at issue were filed in compliance with the revised requirements of 37 CFR §1.121. There being no further indication in the Notice as to why the amendment was found to be non-compliant, Applicants respectfully request removal of the Notice and that the amendment filed on September 30, 2003 be accepted.

The Examiner is invited to contact the undersigned at (512) 536-3085 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,



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Date: January 22, 2004